IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2297 OF 2005

Ashok Arjun More ...Applicant

Versus

State through Shivajinagar

Police Station ...Respondent

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Mr.M.V.Holamagi for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 8, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant is presently serving as Police Constable and attached to Deonar Police Station. It is his case that he has been falsely implicated by the Complainant on the allegation that the Applicant was also responsible for facilitating purchase of hutment by the Complainant which has been later on demolished, being

unauthorised. Except the bare words of the Complainant and that of his brother, no other evidence has been collected so far, so as to indicate the complicity of the Applicant in the commission of the offence.

3. In this peculiar situation, in my opinion, the appropriate course is to direct the concerned Investigating Officer to give 72 hours advance notice to the Applicant, in the event, he is able to collect some substantial material to indicate the involvement of the Applicant in receiving cash amount of Rs.65,000/- (Rupees Sixty-five Thousand) as alleged by the Complainant. Only then, the question of arresting the Applicant for the offence in question would arise for consideration.

4. In the meantime, Applicant shall co-operate for the purpose of investigation as and when called upon, though not to be arrested, without giving 72 hours advance notice.

5. Application disposed of with the above direction.

A.M.KHANWILKAR, J.